Commission on Victims in the Courts
DRAFT MINUTES
Friday, March 28, 2008
10:00 am to 12:00 pm
State Courts Building
1501 W. Washington Street
Phoenix, AZ 85007
Conference Room 345A/B

Members Present:

Hon. Lex Anderson Dr. Kathryn Coffman

Mr. Edwin Cook

Ms. Sydney Davis

Ms. JoAnn Del Colle

Mr. Dan Levey

Hon. Anna Montoya-Paez

Hon. Carter Olson (Telephonically)

Hon. William O'Neil Mr. Doug Pilcher

Hon. Ronald Reinstein (Chair)

Mr. Steve Twist Ms. Kathy Waters Hon. Richard Weiss

Members Absent:

Hon. Antonio Riojas, Jr. Ms. Karen Sullivan

New Members* Present:

Mr. James J. Belanger

Ms. Patricia Bigwood

Captain Larry D. Farnsworth

Ms. Daisy Flores

Ms. Leslie James

Ms. Karen Duffy

Mr. Paul Prato

Ms. Pamela Wessel

New Members *Absent:

Mr. Michael Branham

Presenters/Guests:

Detective Edward DeCastro

Ms. Sarah Schmoll

Ms. Sarah Lynne Vasquez

Ms. Alice Eng

Staff:

Ms. Carol Mitchell Ms. Nicole Garcea

Ms. Carrin Huff

^{*}New members official appointment terms began on April 1, 2008 according to AO 2008-30 signed on March 27, 2008

I. Regular Business

A. Welcome and Opening Remarks

The March 28th meeting of the Commission on Victims in the Courts was called to order by Chair, Honorable Ronald Reinstein, at 10:15 am. The Chair announced new members, reappointments and gave recognition of outgoing members: Hon. Patti Noland; Stephen Dichter; Gary Husk; Jack Ballentine; Kim Musselman; Tony Vidale and Emily Johnston.

Announcements: Dan Levey gave information on two upcoming events: the Governor's Office will host a victim's rights week event on April 14th and the Maricopa County Adult probation and court staff will host a victim panel/victim rights presentation on April 17th.

B. Approval of December 14, 2007 Minutes

Minutes for the December 14, 2007 Commission on Victims in the Courts meeting were presented for approval.

MOTION: To approve the December 14, 2007 Commission on Victims in the Courts minutes as presented. *Motion seconded and passed unanimously.*

C. Approval of Revised 2008 Meeting Dates

Revised meeting dates for calendar year 2008 were presented for approval. The new dates were proposed to allow sufficient time between COVIC and Arizona Judicial Council meetings.

MOTION: To approve the 2008 revised meeting dates for the Commission on Victims in the Courts as presented. *Motion seconded and passed unanimously*.

II. Business Items / Potential Action Items

A. Bait and Switch Presentation

Detective Edward DeCastro of the Phoenix Police Department and Honorable Lex Anderson, Presiding Magistrate of the Youngtown Municipal Court presented segments of a recently created video entitled "Bait and Switch: The terror and tragedy of child prostitution." The video focused on educating adolescents on how they are targeted for prostitution and how they can reach out for help. Det. DeCastro and Judge Anderson discussed obstacles they have faced trying to show the video in public schools. They have met opposition due to the nature of the subject and as a result it has only been presented by Officer DeCastro in two public schools to date. Copies of this video are available for free by contacting the Foundation for Legal Education through the State Bar of Arizona.

Discussion relating to the video

- Suggestions were made by the committee for alternative methods of using the video including showing it at juvenile detention centers, the Law for Kids website, Juvenile Court, Juvenile Corrections; as well as, showing it to parents in addition to children.
- A recommended change to the teaching curriculum would be to have a school counselor present and available during the presentation. The counselor could talk with kids after watching

- the video to help address those children having difficulties in their home life, which is often the reason for kids turning to the streets.
- The committee discussed the standards for whether victim rights are extended to minor
 prostitutes and if they are charged when they turn themselves when seeking help. In addition,
 discussion involved the barriers to prosecution and the inadequate sanctions for those
 convicted in these types of cases.
- Det. DeCastro and Hon. Lex Anderson called for recommending statutory changes to juvenile prostitution to make any child prostitute a victim.
 - Action Item: Judge O'Neil to provide information on Juvenile court resources and using the video in detention centers.
 - Action Item: Judge Anderson to follow up on the possibility of posting on Law for Kids website.

III. Old Business and Updates

A. Maricopa Superior Court Tower Design

Dan Levey provided a handout detailing results of focus groups held regarding the Maricopa County Superior Court Criminal Tower design. Recommendations were made for design and separation of victims and ideal setup from a victim perspective for the new courthouse. Leslie James discussed a follow up meeting where potential designs were shown.

Discussion

Judge O'Neil suggested the commission should make a recommendation to AJC for adopting standards regarding courthouse.

- Action Item: The administration of justice workgroup should begin working on this idea by identifying national standards, including materials from the state of Utah and coordinating with staff from Maricopa County to serve as a model for standards development.
- Action Item: A tour of the proposed mock of floor/specific rooms is scheduled to be available at one of the Durango facilities. Paul Prato offered to obtain more information and a contact person to potentially schedule a tour of the victim room for COVIC members.

B. Governor's Office Legislation

Hon. Reinstein discussed a conflict with ACJA § 5-204K (4) with Rule 103(B) of the Rules of the Juvenile Court.

- Action Item: The Code Section workgroup will need to work toward a resolution of either proposing a rule change, which can take over one year or amending the code section.
- Action Item: Hon. Reinstein may reach out to Judge Willet to talk with the Chief Justice regarding this conflict.

Dan Levey discussed multiple bills currently in the house:

HB2687-Expanded definition of victim to include misdemeanors, legislation would have Victim's
Rights statement read in lower courts and posting victim rights signs in English and Spanish.
Chairman refused to hear bill and it was voted down, legislation is effectively dead. They are
hoping to try to push the bill again next year. Committee discussed alternatives including
writing a rule and determined process is too lengthy. Judge O'Neil suggests that the committee

write a recommendation and send it to the presiding judges statewide to post victims' rights in English/Spanish. Details to be crafted in Code Section workgroup and forwarded to Chair Hon. Reinstein.

Motion: Commission to draft recommendation for limited jurisdiction presiding judges to encourage them to read victim rights statement out loud and post signs in courthouse displaying the victims' rights statement in English and Spanish. *Motion seconded and passed unanimously.*

- Three additional bills, which are sitting with rules committee include:
 - A proposal for a homicide victim memorial, need ability to start process for organizing, no hearing yet.
 - Another bill would exempt law enforcement witness rewards from being taxed; this bill is sitting with committee with hearing yet.
 - Last bill would allow parents of murder child to claim an exemption for that child for an additional 5 years after death; this bill is also not moving.

IV. Workgroup Reports

The Chair discussed the important work undertaken by COVIC workgroups and encouraged any committee member interested in being on a workgroup to talk to Carol Mitchell.

A. Children in Court Workgroup

Dr. Coffman discussed the group's progress on the standards, training, and case limits of children's representation in courts. The group is hoping to make recommendations this year regarding this topic. Group is also discussing 0-3 infant group, a special team looking at young children and making recommendations on the child's behalf.

Chair Hon. Reinstein and Carol Mitchell briefly overviewed a presentation given at the Committee on Juvenile Courts in February. Issues resulting from the meeting needing to be addressed by the workgroup include; representation of parents, budget issues in rural communities relating to representation of children as well as getting attorneys to take on the cases in these rural areas. Carol also mentioned the need for statewide standards to assist the rural areas with verifying that the attorneys representing the children are adequately trained. In addition there is also concern with standards that an already small pool of attorneys able to work in these rural areas would be significantly limited by these standards. Another issue involves conflicting orders between juvenile court and other courts, when the parties have cases in multiple courts. The main issue relates to multiple orders being issued without communication between judges.

B. Code Section Workgroup

The outstanding issue, involving the conflict between ACJA§ 5-204 and Juvenile Court Rule 103B, was discussed earlier in the meeting.

C. Restitution Workgroup

The workgroup is nearing completion of final revisions for the restitution website and the group anticipates it will able to be posted in near future. Dan Levy discussed that a bill regarding early termination of probation may affect restitution issues in the near future.

D. Education Workgroup

Kathy Waters replaced Kim Musselman as chair of the Education Workgroup. Kathy discussed the goal of the education workgroup is to help develop a victim rights related presentation every other year for the judicial conference, so the next conference would be for the summer of 2009. Kathy also discussed new victims' rights training curriculum developed by the National Office of Victims of Crime. Maricopa County Probation will be participating in the pilot training of this curriculum beginning in August and later in regional trainings for probation offices around the state. After finalization of the training, Kathy will bring the modules to COVIC for review and any committee members interested in critiquing the curriculum should see Kathy.

E. Administration of Justice Workgroup

The Chair may seek another person to serve as chair of this workgroup as Judge O'Neil may no longer continue in this position due to his varied responsibilities which include chair of the Commission for the Impact of Domestic Violence and the Courts.

V. Strategic Planning Discussion

Due to time constraints, this topic was pushed to the next meeting agenda. Suggestions for additional topics or issues should be directed to Carol Mitchell.

VI. Other Business

A. Next Meeting:

May 30th, 2008 State Courts Building Phoenix, AZ 85007

B. Call to the Public

Call to the public was made, no public response.

C. Adjournment

The Chair declared the meeting adjourned at 12:15pm.

Action Items from today's meeting

- Judge O'Neil to provide info on Juvenile court resources and using the video in detention centers.
- Hon. Lex Anderson to follow up on the status of possibility of posting on Law for Kids website.
- Det. DeCastro and Hon. Lex Anderson recommended research into legislative changes regarding juvenile prostitution to make any child prostitute a victim

- Hon. Reinstein will bring in a video "Elder Abuse" that addresses the need for accommodating victims in the court.
- Administration of Justice workgroup to begin working on developing victim-related courtroom construction standards.
- Schedule tour of mock room design for the Maricopa County Superior Court building.
- Code Section workgroup to resolve language conflict between code and rule.
- Commission to draft recommendation for limited jurisdiction presiding judges to encourage them to read victim rights statement out loud and post signs in courthouse displaying the victims' rights statement in English and Spanish.
- New members interested in participating in a workgroup to see Carol Mitchell
- Kathy Waters to bring copies of the probation curriculum pilot modules to COVIC for review and comments.

